TL476

amnesty international
INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
United Kingdom

URGENT ACTION

EXTERNAL (for general distribution)

AI Index: ASA 21/18/92
Distr: UA/SC

UA 367/92 Arbitrary Detention/Fear of Torture and Ill-treatment

23 November 1992

INDONESIA/EAST TIMOR:

Abilio Baptista
Afonso Maria
Antonio
Avalino Baptista
Fernando Conceicao
Fernando
Francisco Goncalves
Henrique Guterres
Ildefonso Soares
Jorge Cortinnal
Mario Miranda
Pascal Soares
Rui Miranda
Vitor Viegas

Amnesty International is deeply concerned for the safety of some of the hundreds of East Timorese detained by Indonesian military and police forces in recent weeks. Many of those arrested as suspected opponents of Indonesian rule prior to the anniversary of the November 1991 Santa Cruz massacre were released after interrogation, but the fourteen people named above, and possibly many others, are reported to remain in custody. The precise whereabouts of the fourteen are currently unknown, heightening concern that they may be subjected to torture or ill-treatment.

Despite official assurances that political detainees are treated humanely and in accordance with the law, Amnesty International has documented a long-standing pattern of torture and ill-treatment of political detainees in East Timor. Moreover, Indonesian security forces routinely deny political detainees access to a lawyer, in contravention of Indonesia's own Code of Criminal Procedure (KUHAP Articles 54 and 55). Representatives of the International Committee of the Red Cross (ICRC) are consistently denied access to detention centres until interrogation has been completed.

Amnesty International is urging the Indonesian authorities to release immediately all those detained in recent weeks for their peaceful political views or activities, and to make known the place of detention of all those held on criminal charges. It is calling upon the authorities to permit immediate access to those still in detention by representatives of the ICRC. The organization is also seeking guarantees that political detainees will be given immediate access to a lawyer of their own choosing, in accordance with Indonesian law.

BACKGROUND INFORMATION

Indonesian forces invaded East Timor in 1975 in the aftermath of Portugal's withdrawal from its former colony. Since that time Amnesty International has continued to document serious human rights violations by Indonesian security forces in the territory, including extrajudicial execution, torture and ill-treatment, "disappearance" and political imprisonment.

In November 1991 more than 100 people were killed, and many others "disappeared", after Indonesian soldiers opened fire on a peaceful procession at the Santa Cruz cemetery in Dili. The human rights situation has not improved in the year since the massacre. Hundreds of people have been subjected to death threats, beatings and arbitrary arrest and at least 13 East Timorese have been sentenced, at unfair trials, to long terms of imprisonment after being accused of organizing the Santa Cruz procession and other peaceful protest marches.

On 20 November 1992 Xanana Gusmão, leader of the East Timor independence movement, was arrested by Indonesian military forces. He is currently being held in incommunicado detention, and there are fears that he may be subjected to

☎ (44)(71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the *release* of men and women detained anywhere because of their beliefs, colour, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed *prisoners of conscience.* It works for *fair and prompt trials* for *all political prisoners* and works on behalf of such people detained without charge or trial. It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners.*

torture or ill-treatment (see UA 366/92, ASA 21/17/92 of 23 November 1992 on Xanana Gusmao).

The United Nations has not recognized Indonesia's sovereignty over East Timor. Talks between Indonesia and Portugal concerning the political future of the territory are scheduled to resume on 17 December 1992 under the auspices of the UN Secretary-General. It is not yet clear whether East Timorese representatives will eventually participate in the talks. East Timorese have urged that Xanana Gusmão be permitted to leave the country in order to represent East Timor in these talks and in other international discussions about the future of the territory.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in English or in your own language:

- expressing concern for the safety of the above fourteen East Timorese detained in recent weeks for their real or alleged opposition to Indonesian rule in the territory;

- requesting precise information on their whereabouts, and the reasons for their arrest;

- urging the immediate release of all those detained for their peaceful political views or activities;

- calling upon the authorities to permit immediate access to those still in detention by representatives of the ICRC;

- seeking assurances that these and all other detainees will be given immediate access to a lawyer of their own choosing, in accordance with Articles 54 and 55 of Indonesia's Code of Criminal Procedure (KUHAP).

APPEALS TO

1) General Try Sutrisno
Commander of the Armed Forces
Markas Besar ABRI
Cilangkap, East Jakarta
Indonesia
Telegrams: Gen Sutrisno, Markas Abri, Jakarta, Indonesia
Faxes: + 62 21 36 1471 (Armed Forces HQ); + 62 21 37 8144 (Army HQ); + 62 21 35 6404

Salutation: Dear General Try

2) Ali Alatas
Minister of Foreign Affairs
Kementerian Luar Negeri
Jl. Taman Pejambon 6
Jakarta
Indonesia
Telegrams: Minister of Foreign Affairs Alatas, Jakarta, Indonesia
Faxes: + 62 21 36 7781; + 62 21 36 7782

Salutation: Dear Minister Alatas

3) Brig Gen Theo Syafei
Markas Besar KOREM 164
Dili
East Timor
Telegrams: Brig Gen Syafei, Dili, East Timor

Salutation: Dear Brig. Gen. Syafei

4) Maj. Gen. H.B.L. Mantiri
Markas Besar KODAM IX/Udayana
Denpasar, Bali
Indonesia
Telegrams: Maj Gen Mantiri, Pangdam Udayana, Denpasar, Indonesia

Salutation: Dear Maj. Gen. Mantiri

COPIES OF YOUR APPEALS TO:
Indonesian Legal Aid Foundation
JL. Diponegoro 74
Jakarta 10320, Indonesia

and to diplomatic representatives of Indonesia accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 January 1993.

— Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended actions. If possible, send a telegram, telex, fax or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

— Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 — "Everyone has the right to life, liberty and security of person."

Article 5 — "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 — "No one shall be subjected to arbitrary arrest, detention or exile."

— The name of Amnesty International may be used, although letters written in a private or personal capacity may be more effective.

— Copies of appeals should be sent to relevant diplomatic representatives in your country.

— In Urgent Actions cases, Amnesty International has to act rapidly on behalf of victims of grave human rights violations. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new facts.

— Copies of any replies received from government authorities should be sent immediately to your section's Urgent Action co-ordinator or direct to the Campaign and Membership Department of the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.